

**REMARKS**

Applicants respectfully request reconsideration and allowance.

Various antecedent basis issues raised in an earlier office action are resolved by amendment. However, Applicant believes that there is proper antecedent basis for “the data processing circuit” in claim 1, i.e., “detecting a failure in a data processing circuit indicating that the data processing circuit...”

Claims 1-12 and 15-45 stand rejected for anticipation based on Gomez. This rejection is respectfully traversed.

Gomez describes a base station 106 connected to communication servers 114, 116, 118 by a corresponding number of communication links 128. If one or more of the links fail, which Gomez states at col. 4, lines 50-52 includes “circuit data circuit” faults, the serving base station uses a base mobile radio 210 to scan one or more neighbor cells 108-113 to determine their current service status. The serving base station broadcasts a fault message along with the updated neighbor cell information to mobile stations 102 in its cell which allows the mobile stations to choose the most appropriate cell for the desired communication activity.

Gomez lacks “sending a message to a radio access network node identifying the one or more identified mobile radio subscriber unit connections.” The Examiner relies to col. 4, line 40-col. 5, line 24 of Gomez. Here, Gomez’s base station broadcasts a fault condition exists message and a service status message indicating which communications services the base station provides are affected by the fault condition over the radio interface to all mobile radios within range of the base station’s broadcast. But claim 1 recites that the message that identifies the established mobile radio subscriber unit connections being handled by the failed data processing circuit is sent to a radio access network node. As recited in claim 1, “the radio access network

node is used to establish one or more radio access bearers associated with the identified one or more identified mobile radio subscriber unit connections.” Sending the claimed message to a radio access network node is different than broadcasting a message over the radio interface to all mobile radios in range.

Similarly, claim 15 recites: “sending a message to a radio access network node identifying the failed data processing device;” claim 21 recites: “the one node is configured to send a message to an other of the radio network control and radio base station nodes identifying one or more active and ongoing radio unit connections affected by the failure;” claim 34 recites: “send a message to one or more radio access network nodes identifying the one or more affected mobile subscriber unit connections;” and claim 43 recites a radio access network node that includes “means for sending a message to a core network node identifying the one or more affected established radio subscriber unit connections that can no longer be handled by the failed data processing device.”

Thus, Gomez is missing features recited in every independent claim.

It is important to understand that a neighbor cell list is a message identifying neighboring base stations or cells and not mobile connections affected by the fault.

Lacking multiple features from independent claim 1, the anticipation rejection of claim 1 is improper and should be withdrawn.

Many dependent claim features are also missing. For example, claim 6 recites “generating a list identifying the one or more mobile radio subscriber units and one or more mobile radio subscriber unit connections affected by the failed data processing circuit no longer functioning, and wherein the message sent to the radio access network node includes the list.” The Examiner refers to col. 3, line 60-col. 4, line 10. But this text deals with a neighbor cell list that “comprise[s] information such as the cell identification number, what frequency the cell is operating on, and which communication services are provided by the cell, for each neighbor cell detected.” Col. 4, lines 5-8. No where in the cell list information are mobile radio subscriber units or mobile radio subscriber unit connections identified—let alone mobile radio subscriber units and connections affected by the failed data processing circuit no longer functioning. Moreover, the neighbor cell list in Gomez is broadcast over the radio interface to the mobile radios—it is not sent to the claimed radio access network node.

Claim 7 recites “sending a list to the radio access network node identifying the one or more mobile radio subscriber units affected by the failed data processing circuit no longer functioning without identifying mobile radio subscriber unit connections, and the radio access network node releasing all subscriber unit connections associated with the one or more mobile radio subscriber units in the list.” The Examiner relies on essentially the same subject matter as for claim 6 and col. 2, lines 38-64. Again, the list in Gomez is of operational, neighboring base station cells—not “one or more mobile radio subscriber units affected by the failed data processing circuit.” And again, the neighbor cell list in Gomez is broadcast over the radio interface to the mobile radios—it is not sent to the claimed radio access network node.

In claim 3, where does Gomez teach “maintaining one or more mobile radio subscriber connections not determined to be handled by the failed data processing circuit”? Once the fault

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in the link is detected, the serving cell does not maintain mobile connections. See Figure 4 blocks 406, 408, 416, and 412. It is not understood how the Examiner is construing col. 4, lines 51-67 and claim 1 in Gomez to teach this claim feature.


Ramaswamy does not overcome the deficiencies in Gomez.

The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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